

MACOMB TOWNSHIP ZONING BOARD OF APPEALS  
MINUTES OF A SPECIAL MEETING HELD ON  
DECEMBER 15, 2004

LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS  
54111 BROUGHTON ROAD, MACOMB, MI 48042

PRESENT: CHAIRMAN, BRIAN FLORENCE  
MEMBERS: TONY POPOVSKI  
DAWN SLOSSON  
VICTORIA SELVA

ABSENT: EDWARD GALLAGHER

ALSO PRESENT: JEROME R. SCHMEISER, PLANNING CONSULTANT  
(Additional attendance record on file with Clerk)

Call Meeting to Order.

Chairman FLORENCE called the meeting to order at 7:01 P.M.

1. Roll Call.

Secretary SLOSSON called the Roll Call. Member GALLAGHER absent.

2. PLEDGE OF ALLEGIANCE.

3. Approval of Agenda Items. *(with any corrections)*  
*Note: All fees have been received and all property notices were notified by mail*

**MOTION by POPOVSKI seconded by SELVA to approve the agenda as presented.**

**MOTION carried.**

4. Approval of the previous meeting minutes:

**MOTION by POPOVSKI seconded by SLOSSON to approve the meeting minutes of November 23, 2004 as presented.**

**MOTION carried.**

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PURPOSE OF HEARING:

To consider the requests for variance(s) of Zoning Ordinance No. 10 for the following:

Agenda Number/Petitioner/ Permanent Parcel No.	Zoning Ordinance Section No.
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- |  |                       |
|--|-----------------------|
| 5. Elro Corporation<br>Permanent Parcel No. 08-16-100-021  | Section 10.0704(3)(d) |
| 5. VARIANCE FROM THE PROVISION OF THE ZONING ORDINANCE;<br>Permission to vary: Section 10.0704(3)(d) to allow the increase of the 3:1 ratio of lot width for lots in the proposed Wellington Subdivision located on the south side of 24 Mile Road, approximately 1/2 mile East of Romeo Plank Road; Section 16; Elro Corporation, Petitioner. Permanent Parcel No. 08-16-100-021. |                       |

Chairman FLORENCE read the findings and recommendations of December 10, 2004. They are as follows:

The petitioner is planning the development of the Wellington Subdivision as described above. The purpose of the request for a lot width to depth ratio is based upon the location of the Kruth drain which crosses the property in a north-west to south-east direction. The location of the drain is dictating the street pattern for the north portion of the plat.

Three lots are affected by the drain as a result of their frontage on abutting streets.

**RECOMMENDATION:**

It is recommended that the variance request be approved for the following reasons:

1. The petitioner has little control over the location of the Kruth Drain which dictates the street pattern for the plat.
2. The inclusion of the drain easement in the lots in question makes their maintenance become the responsibility of the lot owner rather than maintenance falling as the responsibility of the county drain office.
3. There appears to be no legitimate public interest to require the strict application of the width to depth ratio as it relates to said parcels. A redesign of the subdivision to enable said lots to meet the strict application of the ordinance would be unreasonable and serve no legitimate purpose.
4. The street pattern and lot design as proposed is in the opinion of the undersigned the most efficient and reasonable design available for said plat.

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A letter of support was read from the petitioner dated December 2, 2004 into the record.

Dan Spatafora, petitioner, was in attendance and stated that much care and thought had been given to the street layout pattern.

Public Portion:

Terry Campion, 19095 Pinecone, stated the Kruth Drain is very important and hopes that the drain will not be covered which would possibly cause flooding.

**MOTION by SELVA seconded by SLOSSON to close the public portion.**

**MOTION carried.**

Member POPOVSKI asked if the variance was not granted who then would be responsible for the maintenance of the easement.

Jerome R. Schmeiser, Planning Consultant, stated if the easement was not incorporated into the lot then it would be the responsibility of the County Drain Office. He indicated that when a petitioner has no control over the location of the drain and the lots exceed the requirement they try to encourage that the individual lot owners become responsible for the maintenance of the easement by making the easement part of the lot.

Member SELVA asked if the lots in question could be split later.

Jerome R. Schmeiser, Planning Consultant, stated the parcels could not be split.

**The following resolution was offered by POPOVSKI and seconded by SLOSSON:**

**Whereas, it has been satisfactorily presented that special conditions prevail that would cause an unnecessary hardship if the request would be denied and that conditions exist that are unique to the property and the granting of the request would not confer special privileges for the petitioner that would be denied other similar properties, that the variance request would be consistent with the spirit and intent of the Macomb Township Zoning Ordinance No. 10 under the findings and facts herein set forth;**

**Now, therefore, be it resolved that pursuant to the action of the Board that Section 10.0704(3)(d)-Request to allow the increase of the 3:1 ratio of lot width for lots in the proposed Wellington Subdivision located on the south side of 24 Mile Road, approximately ½ mile east of Romeo Plank Road; Section 16; Elro Corporation, Petitioner. Permanent Parcel No. 08-16-100-021. The variance was granted with the understanding of the following four items:**

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1. The petitioner has little control over the location of the Kruth Drain which dictates the street pattern for the plat.
2. The inclusion of the drain easement in the lots in question makes their maintenance become the responsibility of the lot owner rather than maintenance falling as the responsibility of the county drain office.
3. There appears to be no legitimate public interest to require the strict application of the width to depth ratio as it relates to said parcels. A redesign of the subdivision to enable said lots to meet the strict application of the ordinance would be unreasonable and serve no legitimate purpose.
4. The street pattern and lot design as proposed is in the opinion of the undersigned the most efficient and reasonable design available for said plat.

**MOTION carried.**

6. OLD BUSINESS

None.

7. NEW BUSINESS

Jerome R. Schmeiser, Planning Consultant, stated the next regular meeting was scheduled for January 11, 2005.

8. PLANNING CONSULTANTS COMMENTS

None.

9. MOTION TO RECEIVE AND FILE ALL CORRESPONDENCE IN CONNECTION WITH THIS AGENDA

**MOTION by SELVA seconded by SLOSSON to receive and file all correspondence.**

**MOTION carried.**

ADJOURNMENT

**MOTION by POPOVSKI seconded by SLOSSON to adjourn the meeting at 7:12 P.M.**

**MOTION carried.**

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Respectfully submitted,

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Brian Florence, Chairman

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Dawn Slosson, Secretary

Beckie Kavanagh, Recording Secretary

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